

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re: BKY Case No. 03-45801-NCD  
Chapter 7

Awoods Rubber Company, Inc.,

Debtor(s).

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Julia A. Christians, Trustee,

ADV No. 04-\_\_\_\_\_-NCD

Plaintiff,

vs.

**COMPLAINT TO AVOID  
PREFERENTIAL TRANSFER**

Badger Tool Works, Inc.,

Defendant(s).

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The Complaint of Julia A. Christians, Trustee, respectfully represents:

1. Julia A. Christians ("Plaintiff") is the duly-qualified and acting trustee in this bankruptcy case.

2. This Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. § 1334 and 28 U.S.C. § 157. This is a core proceeding. Debtor filed a petition for bankruptcy relief under Chapter 11 on August 18, 2003 and the case was converted to one under Chapter 7 on October 16, 2003. The case is now pending before this Court.

3. Within ninety (90) days prior to the filing of the petition in this case, Debtor transferred to Defendant the sum of \$3,975.00, plus such other sums as may be determined through discovery.

4. The above-described transfer(s) was made for or on account of an antecedent debt owed by the Debtor.

5. At the time of such transfer(s), the Debtor was insolvent.

6. Such transfer enabled Defendant to receive more than Defendant would receive if the transfer had not been made and Defendant received payment of such debt to the extent provided by Chapter 7 of the Bankruptcy Code.

7. The transfer(s) constitutes a preferential transfer within the meaning of 11 U.S.C. § 547(b).

8. The Trustee is entitled to recover the funds transferred pursuant to 11 U.S.C. § 550.

WHEREFORE, Plaintiff respectfully requests that the Court enter an order avoiding the aforesaid transfer and ordering Badger Tool Works, Inc. to pay over to the Trustee the sum of \$3,975.00, plus interest and costs incurred herein, entering judgment in favor of Plaintiff and against Defendant in said amount and for such other and further relief as may be just and equitable.

Dated: September 27, 2004

LAPP, LIBRA, THOMSON, STOEBNER  
& PUSCH, CHARTERED

/e/ Julia A. Christians  
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Attorneys for Plaintiff

### **VERIFICATION**

Julia A. Christians, Trustee, Plaintiff herein, declares under penalty of perjury that she has read the foregoing Complaint and that the facts set forth therein are true and correct according to the best of his knowledge, information, and belief.

/e/ Julia A. Christians  
Julia A. Christians